

Patent  
Attorney Docket No. 6013-149US MG/dp

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Philippe A. Tessier et al.

SERIAL NO.: NEW U.S. PCT APPLICATION

FILED: HERewith

INTERNATIONAL APPLICATION NO.: PCT/CA2003/000939

INTERNATIONAL FILING DATE: June 20, 2003

FOR: CHEMOTACTIC FACTOR INHIBITOR FOR MODULATING  
INFLAMMATORY REACTIONS

**REQUEST FOR CONSIDERATION OF DOCUMENTS CITED IN  
INTERNATIONAL SEARCH REPORT**

Commissioner for Patents  
Washington, DC 20231  
U. S. A.

Sir:

In the matter of the above-identified application for patent, notice is hereby given that applicant(s) request that the Examiner consider the documents cited in the International Search Report according to MPEP §609 and so indicate by a statement in the first Office Action that the information has been considered. When the form PCT/DO/EO/903 indicates both the search report and copies of the documents are present in the national stage file, there is no requirement for the applicant(s) to submit them (1156 O.G. 91 November 23, 1993).

Date: December 16, 2004

Respectfully submitted,

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## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>15890-1PCT</b>	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. <b>PCT/CA 03/ 00939</b>	International filing date (day/month/year) <b>20/06/2003</b>	(Earliest) Priority Date (day/month/year) <b>05/07/2002</b>
Applicant <b>TESSIER, Philippe A.</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 6 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. ☒ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established by this Authority to read as follows:

**CHEMOTACTIC FACTOR INHIBITOR FOR MODULATING INFLAMMATORY REACTIONS**

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☒ None of the figures.

# INTERNATIONAL SEARCH REPORT

International Application No

PCT/CA 03/00939

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61K45/00 A61K39/395 A61P43/00 A61P19/02 A61P11/06  
A61P17/06 A61P35/02

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K A61P

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

WPI Data, EPO-Internal, PAJ, BIOSIS, EMBASE, CHEM ABS Data

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5 731 166 A (GECZY CAROLYN ET AL) 24 March 1998 (1998-03-24) column 5, line 15 - line 26	1-13
X	US 6 103 497 A (CORLEY NEIL C ET AL) 15 August 2000 (2000-08-15) column 20, line 13 - column 21, line 10 column 21, line 27 - column 22, line 33 column 24, line 19 - line 41	1-13
Y	EP 0 263 072 A (CIBA GEIGY AG) 6 April 1988 (1988-04-06) claims page 25, line 65 - page 27, line 56	1-13
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☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

### \* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

\*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

\*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

\*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

\*G\* document member of the same patent family

Date of the actual completion of the international search

9 October 2003

Date of mailing of the international search report

28/10/2003

Name and mailing address of the ISA

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Authorized officer

Böhmerova, E

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	DUNN C J ET AL: "Increased expression of neutrophil MRP8 and MRP14 is associated with vascular adhesion molecule activation and differential leukocyte infiltration in delayed-type hypersensitivity suggesting a proinflammatory role for S100 calcium-binding proteins" BIOSIS, XP002242712 abstract ----	1-13
Y	YEN TINA ET AL: "Induction of the S100 chemotactic protein, CP-10, in murine microvascular endothelial cells by proinflammatory stimuli" BLOOD, W.B. SAUNDERS, PHILADELPHIA, VA, US, vol. 90, no. 12, 15 December 1997 (1997-12-15), pages 4812-4821, XP002242708 ISSN: 0006-4971 figures 1-3,7,8 page 4820, left-hand column, last paragraph ----	1-13
Y	LAGASSE E ET AL: "MOUSE MRP8 AND MRP14, TWO INTRACELLULAR CALCIUM-BINDING PROTEINS ASSOCIATED WITH THE DEVELOPMENT OF THE MYELOID LINEAGE" BLOOD, W.B. SAUNDERS, PHILADELPHIA, VA, US, vol. 79, 1992, pages 1907-1915, XP000653772 ISSN: 0006-4971 abstract; figure 8 page 1914, left-hand column, last paragraph -right-hand column, paragraph 1 ----	1-13
Y	LACKMANN M: "IDENTIFICATION OF A CHEMOTACTIC DOMAIN OF THE PRO-INFLAMMATORY S100 PROTEIN CP-10" JOURNAL OF IMMUNOLOGY, THE WILLIAMS AND WILKINS CO. BALTIMORE, US, vol. 150, no. 7, 1 April 1993 (1993-04-01), pages 2981-2991, XP000652182 ISSN: 0022-1767 abstract page 2985, left-hand column, paragraph 2 page 2987, right-hand column, paragraph 3 ---- -/--	1-13

## INTERNATIONAL SEARCH REPORT

International Application No.

PCT/CA 03/00939

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	DEVERY JANNINE M ET AL: "Acute inflammatory activity of the S100 protein CP-10: Activation of neutrophils in vivo and in vitro." JOURNAL OF IMMUNOLOGY, vol. 152, no. 4, 1994, pages 1888-1897, XP002257117 ISSN: 0022-1767 abstract; figures 1-3 page 1892, right-hand column, last paragraph -page 1893, left-hand column, paragraph 1 ---	1-13
T	RYCKMAN CARLE ET AL: "Proinflammatory activities of S100: Proteins S100A8, S100A9, and S100A8/A9 induce neutrophil chemotaxis and adhesion." JOURNAL OF IMMUNOLOGY, vol. 170, no. 6, 15 March 2003 (2003-03-15), pages 3233-3242; XP002257118 ISSN: 0022-1767 the whole document ---	1-13
T	ROULEAU PASCAL ET AL: "The calcium-binding protein S100A12 induces neutrophil adhesion, migration, and release from bone marrow in mouse at concentrations similar to those found in human inflammatory arthritis." CLINICAL IMMUNOLOGY (ORLANDO), vol. 107, no. 1, 20 April 2003 (2003-04-20), pages 46-54, XP002257119 ISSN: 1521-6616 the whole document -----	1-13

# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/CA 03/00939

## Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:  
  
Although claims 1-11 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound.
2. ☐ Claims Nos.:  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/CA 03/00939

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 5731166	A	24-03-1998	AT 228164 T	15-12-2002
			AU 652575 B2	01-09-1994
			AU 8504091 A	30-03-1992
			WO 9204376 A1	19-03-1992
			DE 69133159 D1	02-01-2003
			EP 0550506 A1	14-07-1993
			SG 66214 A1	20-07-1999
US 6103497	A	15-08-2000	US 5849528 A	15-12-1998
			US 2003096337 A1	22-05-2003
EP 0263072	A	06-04-1988	AT 103339 T	15-04-1994
			AU 7930987 A	19-05-1988
			DE 3789413 D1	28-04-1994
			DE 3789413 T2	28-07-1994
			DK 517787 A	04-04-1988
			EP 0263072 A2	06-04-1988
			ES 2052602 T3	16-07-1994
			FI 874287 A	04-04-1988
			IE 61773 B1	30-11-1994
			JP 63157997 A	30-06-1988
			JP 9188698 A	22-07-1997
			NO 874159 A	05-04-1988
			NO 921024 A	05-04-1988
			PT 85849 A ,B	01-11-1987
			US 5702920 A	30-12-1997
			US 5350687 A	27-09-1994
			ZA 8707417 A	25-05-1988